

REMARKS**INTRODUCTION**

In accordance with the foregoing, claims 1, 6, 10, 18, and 21 have been amended, claim 22 has been added, and claim 19 has been canceled, without disclaimer. New claim 22 is merely a repetition of the original claim 6 placed into independent form, and claim 19 has been canceled as applicants believe that all claims now require an automated control of the aberration correction.

Claims 1-18 and 20-22 are pending and under consideration.

REJECTION UNDER 35 USC 103

Claims 1-18 and 20-21 stand rejected under 35 USC §103 as being obvious over FIGS. 1 and 2 of the Background of the present application (Prior Art), in view of Terashi et al., U.S. Patent No. 6,728,185. This rejection is respectfully traversed.

As noted above, new claim 22 merely sets forth the original claim 6 into independent form. In addition, aspects of claims 6 have been incorporated into independent claims 1 and 21.

Accordingly, the below traversal will focus on aspects of claim 6 incorporated into all independent claims.

In rejecting claim 6, the Office Action indicated that Prior Art disclosed all the claimed features of claims 1 and 6 except for the claimed controller to control the driving part, which the Office Action relied upon Terashi et al. to disclose an automated controller for a system correcting for astigmatism. The Office Action indicated that, in view of Terashi et al., it would have been obvious to modify Prior Art to implement the respective aberration correction with an automated controller.

Page 4 of the Office Action indicates that Prior Art discloses the claimed operations of claim 5 and the claimed aberration control of claim 6, indicating that the claimed operations of claim 5 were disclosed in paragraph [0026] of the present application and the features of claim 6 were set forth in paragraph [0027] of the present application.

However, here, it is noted that paragraph [0027] of the originally filed application is the first paragraph of the Summary, and paragraph [0026] merely indicates that conventional

systems required manual control of skilled workers to correct the aberration, i.e., based upon their skilled observations of the different displays 145 and 146.

Prior Art only discloses that up until the invention of the present application, aberration correction systems were implemented through manual operation and based on observations of skilled workers.

It is respectfully submitted that only the present inventors have set forth a particular system that can now implement such aberration correction through an automated manner, e.g., with claim 1 reciting: "a controller controlling the driving part to correct the coma aberration of the objective lens by calculating a coma aberration value based on a centroid difference between beam images having minimum coma aberration and a beam image having some coma aberration, where the beam images having the minimum coma aberration and the beam image having some coma aberration are captured by the optical system, and determining whether the actuator passes inspection by comparing the calculated coma aberration value with a predetermined reference value."

This operation of a controller is not disclosed or suggested by either of Prior Art or Terashi et al.

In addition, it is respectfully submitted that the disclosure of Terashi et al. similarly fails to disclose how such a controller for controlling the system of Prior Art would be implemented, as claimed. Rather, the Terashi et al. can only be relied upon to broadly disclose automation of astigmatism systems, and at the most a controller for such an astigmatism correction system. Terashi et al. fails to disclose or suggest how and in what way such a controller could or would be implemented in the system of Prior Art.

Accordingly, it is respectfully submitted that independent claims 1, 21, and 22 are in allowable condition. Withdrawal of this rejection is respectfully requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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By:


Stephen T. Boughner
Registration No. 45,317

1201 New York Avenue, NW, 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501